



SENATE JOINT RESOLUTION No. 5

DIGEST OF INTRODUCED RESOLUTION

Citations Affected: Article 17 of the Constitution of the State of Indiana.

Synopsis: Redistricting commission. Establishes a redistricting commission to draw congressional and legislative districts after the federal decennial census. Establishes principles for drawing districts. Repeals the constitutional provision for drawing legislative districts by the general assembly. This proposed amendment has not been previously agreed to by a general assembly.

Effective: This proposed amendment must be agreed to by two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

Simpson

January 7, 2009, read first time and referred to Committee on Elections.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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SENATE JOINT RESOLUTION No. 5

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana by adding Article 17 and by striking out Article 4, Section 5 of the Constitution of the State of Indiana.

Be it resolved by the General Assembly of the State of Indiana:

- 1 SECTION 1. The following amendment to the Constitution of the
- 2 State of Indiana is proposed and agreed to by this, the One Hundred
- 3 Sixteenth General Assembly of the State of Indiana, and is referred to
- 4 the next General Assembly for reconsideration and agreement.
- 5 SECTION 2. THE CONSTITUTION OF THE STATE OF
- 6 INDIANA IS AMENDED BY ADDING A NEW ARTICLE TO
- 7 READ AS FOLLOWS:
- 8 **ARTICLE 17. Redistricting Commission.**
- 9 **Section 1. General Assembly districts and Indiana congressional**
- 10 **districts shall be established as provided in this article.**
- 11 **Section 2. A redistricting commission consisting of five members**
- 12 **is established.**

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1 Section 3. (a) A member of the redistricting commission must
2 have the following qualifications:

3 (1) A member of the redistricting commission must be a
4 registered Indiana voter.

5 (2) A member of the redistricting commission may not be a
6 resident of the same county as any other member of the
7 redistricting commission.

8 (3) A member of the redistricting commission may not have
9 been any of the following at any time within three years
10 before becoming a member of the redistricting commission:

11 (A) Elected to a public office.

12 (B) Appointed to a public office.

13 (C) A candidate for a public office.

14 (D) An officer of a political party. For purposes of this
15 clause, a precinct committeeman is an officer of a political
16 party.

17 (E) An officer of a candidate's campaign for a public office.

18 (F) Employed as a lobbyist of the General Assembly.

19 (b) Before becoming a member of the redistricting commission,
20 an individual shall make:

21 (1) the affirmation required by Article 15, Section 4 of this
22 Constitution; and

23 (2) an affirmation to:

24 (A) apply the provisions of this article in an honest,
25 independent, and impartial manner; and

26 (B) uphold public confidence in the integrity of the
27 redistricting process.

28 Section 4. (a) During a year in which a federal decennial census
29 is conducted, an individual who wants to serve on the redistricting
30 commission must submit an application to the Judicial Nominating
31 Commission.

32 (b) Not later than July 1 of the year in which a federal decennial
33 census is conducted, the Judicial Nominating Commission shall
34 establish a pool of nominees consisting of individuals who are
35 willing to serve on and are qualified for appointment to the
36 redistricting commission. The pool of nominees must consist of
37 twenty-five nominees, with:

38 (1) ten nominees affiliated with the largest political party in
39 Indiana;

40 (2) ten nominees affiliated with the second largest political
41 party in Indiana; and

42 (3) five nominees who are not affiliated with either of the two
43 largest political parties in Indiana.

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1 Section 5. (a) Appointments to the redistricting commission
2 shall be made as provided in this section.

3 (b) Not later than January 31 of the year following a year in
4 which a federal decennial census is conducted, the following shall
5 each appoint one individual to the redistricting commission from
6 the pool of nominees:

7 (1) The Speaker of the House of Representatives.

8 (2) The minority party leader of the House of Representatives.

9 (3) The President pro tempore of the Senate.

10 (4) The minority party leader of the Senate.

11 If there is more than one minority party represented in the House
12 of Representatives or the Senate, the leader of the minority party
13 with the greatest number of members in the House of
14 Representatives or the Senate is entitled to make the appointment.
15 Not more than two members of the redistricting commission may
16 be members of the same political party.

17 (c) If a member of the General Assembly described in subsection
18 (b) fails to make an appointment before February 1 of the year
19 after the year in which a federal decennial census is conducted,
20 that member forfeits the right to make the appointment. The
21 Judicial Nominating Commission shall make the forfeited
22 appointment from the pool of nominees not later than March 1 of
23 the year after the year in which a federal decennial census is
24 conducted. The Judicial Nominating Commission shall strive for
25 political balance and fairness in making the appointment.

26 Section 6. (a) Not later than May 1 of the year following a year
27 in which a federal decennial census is conducted, the Secretary of
28 State shall convene the four members of the redistricting
29 commission appointed under section 5 of this article.

30 (b) The four redistricting commission members shall select the
31 fifth member of the redistricting commission from the pool of
32 nominees who are not affiliated with either of the two major
33 political parties of Indiana. The individual selected under this
34 subsection serves as the redistricting commission's chair.

35 (c) If the four members fail to select the fifth member of the
36 redistricting commission not later than fifteen days after the
37 Secretary of State convenes the redistricting commission, the
38 Judicial Nominating Commission shall make the appointment,
39 striving for political balance and fairness. The individual selected
40 under this subsection serves as the redistricting commission's
41 chair.

42 (d) After the redistricting commission's chair is selected, the
43 redistricting commission may select one of the remaining members

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1 to be the vice chair.

2 (e) A member of the redistricting commission may be removed
3 from office for substantial neglect of duty, gross misconduct in
4 office, or inability to discharge the duties of office, as provided by
5 law for the removal of other public officers.

6 Section 7. (a) If a vacancy occurs on the redistricting
7 commission in a position other than the redistricting commission's
8 chair, the current holder of the office that made the original
9 appointment shall appoint an individual from the pool of nominees
10 to fill the vacancy. If the current holder of the office that made the
11 original appointment fails to fill the vacancy not later than
12 fourteen days after the vacancy occurs, the Judicial Nominating
13 Commission shall fill the vacancy from the pool of nominees. In
14 filling the vacancy, the Judicial Nominating Commission shall
15 strive for political balance and fairness.

16 (b) If a vacancy occurs in the position of the redistricting
17 commission's chair, the four remaining redistricting commission
18 members shall fill the vacancy from the pool of nominees who are
19 not affiliated with either of the two major political parties of
20 Indiana. If the four remaining commission members fail to fill a
21 vacancy in the position of chair not later than fourteen days after
22 the vacancy occurs, the Judicial Nominating Commission shall fill
23 the vacancy from the pool of nominees who are not affiliated with
24 either of the two major political parties of Indiana. In filling the
25 vacancy, the Judicial Nominating Commission shall strive for
26 political balance and fairness.

27 Section 8. (a) Three redistricting commission members,
28 including the chair or vice chair, constitute a quorum.

29 (b) Three or more affirmative votes are required for the
30 redistricting commission to take official action.

31 (c) If a quorum is present, the redistricting commission shall
32 conduct business in meetings open to the public. The redistricting
33 commission shall give not less than forty-eight hours public notice
34 of its meetings.

35 Section 9. A redistricting commission member, during the
36 member's term of office and for three years after leaving the
37 redistricting commission, may not serve in an Indiana public office
38 or as a paid lobbyist of the General Assembly.

39 Section 10. (a) A redistricting commission member's term of
40 office expires upon the appointment of the first member of the next
41 redistricting commission.

42 (b) The redistricting commission may not meet or incur
43 expenses after the redistricting plan is completed, except:

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(1) if litigation or any government approval of the plan is pending; or

(2) to revise districts if:

(A) required by court decisions; or

(B) the number of congressional or legislative districts is changed.

Section 11. (a) The redistricting commission shall establish congressional and legislative districts.

(b) The redistricting commission shall begin the redistricting process for congressional and legislative districts by creating districts of equal population in a grid-like pattern across Indiana. The redistricting commission shall then adjust the districts to accommodate the following goals:

(1) Districts must comply with the United States Constitution and other federal law relating to voting rights.

(2) Districts must have equal population, to the extent practicable.

(3) Districts must be geographically compact and contiguous, to the extent practicable.

(4) District boundaries must respect communities of interest, to the extent practicable.

(5) District lines must use visible geographic features, boundaries of political subdivisions, and undivided census tracts, to the extent practicable.

(6) To the extent practicable, competitive districts should be favored where to do so would create no significant detriment to the other goals.

(7) Party registration and voting history data may not be used in drawing maps but may be used to test a map for compliance with this subsection.

(8) The places of residence of incumbents or candidates may not be identified or considered.

(c) The redistricting commission shall advertise a draft map of districts to the public for comment. The public comment period may not be less than thirty days.

(d) During the comment period, the House of Representatives or the Senate, or both, may make recommendations to the redistricting commission by means considered appropriate by either or both houses. The redistricting commission shall consider a recommendation from the House of Representatives or the Senate, or both.

(e) After the comment period ends, the redistricting commission shall establish final district boundaries.

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(f) The redistricting commission shall certify to the Secretary of State the establishment of congressional and legislative districts.

Section 12. (a) The redistricting commission has standing in legal actions regarding the redistricting plan and the adequacy of resources provided for the operation of the redistricting commission.

(b) The redistricting commission has sole authority to select attorneys to represent the redistricting commission and the state of Indiana in the legal defense of a redistricting plan.

Section 13. The General Assembly shall provide by law for the following:

(1) A method for determining political affiliation for purposes of this article.

(2) Adequate funding for the redistricting commission.

(3) Other provisions to implement this article that are not inconsistent with this article.

SECTION 3. THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY STRIKING OUT ARTICLE 4, SECTION 5.

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